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January 6, 2016

Hon. Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

RE: United States v. Phillip A Kenner and Tommy C. Constantine
Docket Number: 13-607 (JFB)

Dear Judge Bianco:

With the consent of the government, the defendants Philip A. Kenner and Tommy C. Constantine, request that the forfeiture hearing presently scheduled to commence on January 8, 2016 be adjourned to February 12, 2016. The aforementioned date has been discussed with your courtroom clerk.

Presently, we are awaiting the pre-sentence report and it is anticipated that the report will be submitted in advance of the February 12th hearing. Inasmuch as overlapping issues may exist with respect to the evidence adduced at the forfeiture hearing and the restitution calculation and/or Guideline calculation to be determined at time of sentence, the requested adjournment will permit the defendants' to have a complete body of knowledge regarding such matters before any evidentiary hearing is commenced. Additionally, the defendant Kenner recently received additional Rule 16 disclosure, dated December 21, 2015, on three CD discs which must be reviewed and analyzed in advance of the forfeiture hearing.

Thank you for Your Honor's consideration of this request.

Very truly yours,

Richard D. Haley

RICHARD D. HALEY

cc: AUSA Diane C. Leonardo via ECF
Robert R. LaRusso, Esq. via ECF